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MISSOURI REAL ESTATE COMMISSION

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April 23, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 9414 7266 9904 2102 6003 67**

Marsha Kay Youngblood
1870 NW State Route 52
Butler MO 64730

RE: Missouri Real Estate Commission vs. Marsha Kay Youngblood (#2016018639)

Dear Ms. Youngblood:

Please find enclosed a copy of the Settlement Agreement between Missouri Real Estate Commission and Marsha Kay Youngblood in the above referenced case.

If you have questions about this matter, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Terry W. Moore". The signature is written in black ink and is positioned above the printed name and title.

Terry W. Moore
Executive Director

TWM/cmc

Enclosures

c: Marsha Kay Youngblood (regular mail)

SETTLEMENT AGREEMENT BETWEEN
MISSOURI REAL ESTATE COMMISSION AND MARSHA KAY YOUNGBLOOD

Come now Marsha Kay Youngblood ("Licensee") and the Missouri Real Estate Commission ("Commission") and enter into this Settlement Agreement for the purpose of resolving the question of whether Licensee's license as a real estate broker associate will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Commission under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right to a disciplinary hearing before the Commission at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensee's license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to Licensee.

Licensee acknowledges that Licensee has received a copy of the documents relied upon by the Commission in determining there was cause to discipline Licensee's license, along with citations to law and/or regulations the Commission believes were violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Commission that Licensee's license, numbered

¹ All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

2016018639 is subject to disciplinary action by the Commission in accordance with the provisions of Chapter 621 and §§ 339.010-339.205 and 339.710-339.855, RSMo.

Joint Stipulation of Facts and Conclusions of Law

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of Sections 339.010-339.205 and 339.710-339.855, RSMo.

2. Licensee, Marsha Kay Youngblood, holds a real estate broker associate license from the Commission, license number 2016018639. The Commission issued Licensee's license on May 20, 2016. Licensee's license expires June 30, 2020. Licensee's license was not current at relevant times as described below.

3. Licensee, at relevant times as described below, was the broker associate for Home Source KC, LLC, license number 2016018637.

4. On April 15, 2018, a 2018-2020 renewal postcard was mailed to Licensee at the home address the Commission had on file. A 2018-2020 renewal postcard was also mailed to Home Source KC, LLC at the business address the Commission had on file.

5. On June 6, 2018, a second notice 2018-2020 renewal postcard was mailed to Licensee at the home address the Commission had on file. A second 2018-2020 renewal postcard was also mailed to Home Source KC, LLC at the business address the Commission had on file.

6. On June 30, 2018, Licensee completed her 2018-2020 renewal online.

7. On February 28, 2019, the Commission sent a letter to Licensee to the address on file with the Commission informing Licensee that Licensee's company, Home Source KC LLC, had not renewed its license.

8. On March 14, 2019, the Commission received Home Source KC, LLC's 2018-2020 renewal and the \$250 fee (\$50 renewal and \$200 late).

9. On March 14, 2019, Licensee's broker associate and Home Source KC, LLC's real estate association licenses were renewed for the 2018-2020 renewal period eight months and fourteen days after the license had expired on June 30, 2018.

10. On March 26, 2019, the MREC late renewal letter was mailed to Licensee/Home Source KC, LLC, asking Licensee to respond with information regarding any real estate activity that occurred while both licenses were expired due to non-renewal.

11. On May 7, 2019, a second MREC late renewal letter was mailed to Licensee/Home Source KC, LLC, asking Licensee to respond with information regarding any real estate activity that occurred while both licenses were expired due to non-renewal.

12. On May 9, 2019, an email response to the March 26, 2019 MREC late renewal letter was received by the Commission office from Licensee.

13. On July 8, 2019, a clarification letter was mailed by the Commission office to Licensee/Home Source KC, LLC.

14. On August 7, 2019, an email response was received by the Commission office from Licensee indicating that Licensee had collected rents and subsequently paid the property owners. Licensee indicated that Licensee received \$2,418.00 in commissions.

15. Licensee's license and Home Source KC LLC's license were expired due to non-renewal for eight months and fourteen days.

16. Licensee's conduct, as described in paragraphs 3 through 15 above, providing real estate services without a properly current and valid Missouri license, constitutes cause to discipline Licensee's license.

17. Section 339.020, RSMo, states:

It shall be unlawful for any person, partnership, limited partnership, limited liability company, association, professional corporation, or corporation, foreign or domestic, to act as a real estate broker, real estate broker-salesperson, or real estate salesperson or to advertise or assume to act as such without a license first procured from the commission.

18. Regulation 20 CSR 2250-4.020(2) states, in relevant part:

...

Until a new license is procured, the holder of an expired license shall not perform any act for which a license is required.

19. Cause exists for the Commission to take disciplinary action against Licensee's license under § 339.100.2(15), (19) and (23), RSMo, which states in pertinent part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860*, or any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860*;

...

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

...

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and section 339.710 to 339.860* who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860*[.]

Joint Agreed Disciplinary Order

20. Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Commission in this matter under the authority of §§ 536.060, 621.045.4 and 621.110, RSMo.

21. The terms of discipline shall include that **Licensee shall pay a civil penalty in the amount of \$500.00 pursuant to § 339.100.3, RSMo.** The civil penalty shall be made by **CERTIFIED CHECK** payable to the "Missouri Real Estate Commission" and mailed to the Missouri Real Estate Commission, PO Box 1339, Jefferson City, MO 65102-1339. Said check must be postmarked or hand delivered within **30 days** of the effective date of this Settlement Agreement. The Settlement Agreement shall become effective fifteen (15) days following the signature of the Commission's Executive Director, unless the fifteen day waiting period is waived by the licensee through use of the enclosed waiver. Funds received pursuant to this Order shall be handled in accordance with Section 7 of Article IX of the Missouri Constitution and Section 339.205.8, RSMo. **Licensee's**

failure to pay the full amount of the \$500.00 civil penalty within thirty days of the effective date of this Order shall constitute a violation of this Order.

22. This Agreement does not bind the Commission or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Agreement that are either now known to the Commission or may be discovered.

23. This Agreement does not bind the Commission or restrict the remedies available to it concerning any future violations by Licensee of Chapter 339, RSMo, as amended, or the regulations promulgated thereunder, or of the terms of this Agreement.

24. All parties agree to pay all their own fees and expenses incurred as a result of this case, its settlement or any litigation.

25. The parties to this Agreement understand that the Missouri Real Estate Commission will maintain this Agreement as an open record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

26. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

27. Licensee, together with Licensee's heirs and assigns, and Licensee's attorneys, do hereby waive, release, acquit and forever discharge the Commission, its respective members and any of its employees, agents, or attorneys, including any former Commission members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof to be void or unenforceable.

28. If no contested case has been filed against Licensee, Licensee has the right, either at the time the Settlement Agreement is signed by all parties or within fifteen days thereafter, to submit the Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the license of Licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: **Administrative Hearing Commission, P.O. Box 1557, United States Post Office Building, 131 West High St, Jefferson City, MO 65102.**

29. If Licensee has requested review, Licensee and Commission jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect. If the Administrative Hearing Commission issues an order stating that the Settlement Agreement does not set forth cause for discipline, then the Commission may proceed to seek discipline against Licensees as allowed by law. If the Licensee does not submit the Agreement to the Administrative Hearing Commission for determination, the Agreement shall become effective fifteen (15) days following the signature of the Commission's Executive Director, unless waived by the licensee.

LICENSEE


Marsha Kay Youngblood

Date 3/27/2020

COMMISSION


Terry W. Moore
Executive Director
Missouri Real Estate Commission

Date APRIL 23, 2020
(COVID-19)